FOR MYSORE STATE

DW (1951) Department.

Ms SERIES.

G.O. NO. 4936

DP 6.11.51

Dated

[Despatch Abstract.]

Sub: Mines - Mining Lease - Red Oxide of Iron (Bellary Dt.) Bellary Taluk - Jana Kunte Village - S. No. 326 - 11¼ acres - [redacted] Application of Sri V. Nimbalkar - [redacted]

Revenue Department.
Subject.

Mines . Mining . Bellary . Bellary taluk . S.no.326 . Janikunta village Renewal of lease . application of Sri V. Nimbkar . Submitted.

Reference no.L.2304/50-4.

Station; Madras. d/27/6/1950. 98922

From
Sri M.C. Thomas.,B.A., Joint Secretary, Board of Revenue.

...

Sri W.N. Kudva.I.C.S., Commissioner of Commercial Taxes.

...

Read: Application from Sri V. Nimbkar d/30-3-1950.
From the Collector of Bellary, Ref.no.C.6536/50-A.1 d/19/5/50 and 19/8/50.

Board's Reference no.L.2304/50-1 d/18/4/50 .

...

Sri V. Nimbkar was granted a mining lease in this office reference c.no.4794/44.A.1 d/13/8/1945 to mine red oxide of iron over an extent of 114.00 acres in Janikunta village,Bellary taluk, for a period of 5 years. The period of lease will expire on 12/8/1950. The lessee has now applied for its renewal for a period of 20 years after paying Rs.200/- towards fees and Rs.500/- as deposit in chalan no.123/2 in the Reserve Bank of India Madras on 12/1/1950.

2. According to Rule 40 of the Mineral Concession Rules, 1949 , "The lease shall be renewable at the option of the lessee .. for one period not exceeding the duration of the original lease in the case of other minerals .". This case falls under the " other minerals" and the lease is therefore renewable only for a period of 5 years as the period of original lease was only for 5 years.

3. According to Rule 49) of the Mining Manual, Sri Nimbkar could have got the original lease for 30 years for this mineral, but he elected to have the original lease for 5 years only.

4. The Mineral Concession Rules, 1949 , came into force from October 1949. I presume that this application has to be treated as one for a fresh lease and not as one of renewal . If this presumption is correct the lease may be granted for 20 years as desired by the applicant.

5. The lease deed does not contain any special conditions . They are necessary for the proper working of the mine as per rule 41(2) of the mineral concession rules, 1949. A draft of them is enclosed.

6. I enclose this office D.Dis.4794/44.A.1 d/24/8/1945 containing the lease deed and plan for Board's reference and return.

Sd. x x x d/19/8/50.
For Collector , Bellary.

...

Draft of conditions under sub rule (2) of rule 41 of the Mineral concession rules, 1949.

1) that the lessee shall pay half yearly dead rent and royalty due to government.

2) the lessee shall pay an amount equal to the annual dead rent or royalty, as compensation for damage to the land covered by the lease.

3) the lessee should not fell trees, if any, without the previous permission of the Collector, and if it is found that he has felled any,

p.t.o.

trees without such permission he shall pay the value of the trees together with a compounding fee, subject tomaximum of 10 times the value of the trees.

4) the lessee shall not operate on the surface of any area prohibited by any authority such as laying out roads , erecting buildings, machinery etc,without the previous permission of such authority or the provincial Government..

5) the lessee shall not use the land for surface occupation without giving proper notice to the Collector.

6) the lessee shall provide full equipment of weighing machines of modern type or prescribed by the Collector,for weighing the minerals collected by him.

7) the lessee shall not cause any damage to the forests and if he causes any damage the lessee shall be liable to make good the loss as assessed by the Officer of the Forest department, and also be liable for prosecution.

8)the lessee shall take such precaution as are necessary to secure pits and shafts by putting up wire fencing or such other protection to the satisfaction of the collector to prevent accidents.

9) on the occurence of any accident, the lessee shall report such accident immediately to the police , the Factory inspector and the Labour Commissioner

10) the lessee shall [illegible] bond to Government agreeing to pay claims of third parties.

11) the lessee shall deliver the possession of lands and mines on the expiration or the termination of the lease to Government and the Government shall have the right of forfeiting the property left over after such termination or determination of the lease; and

12) in the event of war or other emergency government shall have power to take possession of plant machinery,premises and mines.

Sd. x x dd/22/5/50.
For Collector,Bellary.

/True copy/

Read: Ref.L.2304/50-1 d/18/4/50 and Ref.L.2308/50-3 d/15/6/50 from the Board of Revenue,Madras.
2.This office Rc.No.6536/50-1A.1 d/19/5/50.

Sri Vishnu Nimbkar of Bombay was granted a mining lease in this office Rc.no.4794/44A.1 d/13/8/45 to mine Red Oxide of iron over an extent of 114 acres in Janikunta village of Bellary taluk for a period of 5 years . The period of lease expired on 12/8/50. The lessee has already applied for its renewal after crediting the prescribed fee of Rs.200/-and a sum of Rs.500 being the amount of deposit as required by rules. In this connection, I invite the attention of the Board to the various references quoted above. The lease has not been renewed so far . Meanwhile, Sri M. Narayana Rao ,Manager, for Sri Vishnu Nimbkarh has submitted a petition requesting permission to continue mining operations as usual in anticipation of orders from the Government. He further represents that it would be extremely disadvantageous to discontinue mining operations now and to resume the same , after the lease is actually renewed as he has entered into various commitments.

In as much as the Board has observed in its Ref.L.2308/50-3 d/15/6/50, that the application of Sri V. Nimbkar had to be treated as on for the renewal of the original lease, I am permitting the lessee to continue mining operations as usual pending receipt of final orders and I request that my action may kindly be approved.

I shall submit my report on the several points raised in the Board's reference mentioned above immediately on receipt of a reply from the Tahsildar,Bellary who has been specially reminded in the matter to expedite his report.

Sd. x x d/19/8/50
For Collector,Bellary

3

Reference.
.....

Submitted to the Government.

2. The Board recommends that the mining lease granted to Sri V. Nimbkar to mine Red Oxide of iron ,over an extent of114 acres in s.no.326 of Janikunta village, may be renewed for a period of 5 years or 20 years as the Government deem fit.

3. The action of the Collector in having permitted the lessee to continue mining operations in anticipation of sanction,may also be approved.

For Joint Secretary.

To
The Secretary to Government, Development Department, with Collector's file D.Dis.4794/44 d/24/8/45. & other enclosures

tj.20/9/50
20.9.

( )

Development Secretary.

The file re. grant of a mining lease to Sri Vishnu Nimbkar in Janakunta village, Bellary Tq. may be circulated to me ~~before tomorrow evening~~ now, for perusal.

13/X
H.M.Ind.

ASD.Vu.

13.10.50

ASI

The connected file is submitted below.

13.10.50

13/10/50

13.10.50

SECRETARY TO GOVERNMENT
14 OCT 1950
DEVELOPMENT DEPARTMENT

13/X

DEVELOPMENT (J) DEPT.

LETTER No.98922 J/50- 1 dated 24-10-50

To

The Secretary to the Govt. of India
Ministry of Works, Mines and Power,
NEW DELHI.

Sir,

SUB :- MINES - Mining - Redoxide of iron (Bellary) Mining lease of Sri V.Nimbkar - Renewal for 20 years - Relaxation of Rule 40(1) of M.C.Rules.

I am directed to state that Sri Vishnu Nimbkar, Hamilton House, Ballard Estate, Bombay, was granted in 1945 a mining lease under the old rules for red oxide of iron for a period of five years over an area of 114 acres in S.No. 326 of Janikunta Village, Bellary Taluk, Bellary District. The period of the lease expired by 12.8.50. The lessee has now applied for the renewal of the lease for a period of twenty years. It is stated that he proposes to instal at Kudithini, the nearest railway station to the mines, a factory for grinding, levigating and processing red oxide of iron. The Govt. of Madras propose to grant the applicant's request for the renewal of the lease for a period of twenty years. According to rule 40 of the M.C.Rules, the lessee will be entitled to a renewal only for a period not exceeding the duration of the original lease i.e. 5 years. The lease cannot therefore be renewed for a longer period unless rule 40(1) is relaxed. I am, therefore, to request that the Govt. of India may be pleased to relax rule 40(1) of the M.C.Rules in exercise of the powers conferred on them under Section 12 of Mines and Minerals (Regulation and Dev) Act, so to enable this Govt. to grant the renewal of the lease in this case, for a period of twenty years.

Y.F.

24

DRAFT II.

LETTER NO. 98922 J/50- dated 24-10-50

To

The Director,
Indian Bureau of Mines, NEW DELHI.

Sir

SUB:- Mineral concession Rules -Rule 36 -
Metalliferous minerals - Interpretation.

I am directed to state that an application for a mining lease for red oxide of iron is now under consideration of this Govt. The applicant has ~~in his~~ application stated that the mineral would be used in the manufacture of oxide paints. Rule 36 (of M.C. Rules) prescribes a ~~higher amount of~~ security deposit of Rs1000/- in the case of metalliferous minerals. It is not clear whether this ~~is higher~~ rate of security deposit will be applicable to all ~~metal~~ mineral yielding minerals irrespective of the use to which the minerals ~~is~~ are put ~~to~~ or irrespective of the fact that the extraction of the basic metals (from such minerals) is not commercially ~~possible~~ done. I am to request that the Bureau of Mines may kindly clarify the above point and also advise whether in the particular case referred to above, red oxide of iron ~~should~~ may be treated as a metalliferous mineral for purposes of Rule 36.

Y.F.

25

REVENUE DEPARTMENT.
Subject.

MINES - Mining (Bellary) - Bellary taluk - S.No.326 - Janikunta village - Renewal of lease - application of Sri V. Nimbkar -

Ref.L. 2304/50-5. Station:Madras. Dated the 10thnNov. 1950.

From

Sri N.C.Thomas, Joint Secretary, Board of Revenue.

To

Sri V.N. Kudva, I.C.S., Commissioner of Commercial Taxes.

Sub:Read: Board's Ref.L. 2304/50-4 dated 26.9.1950.
From the Collector of Bellary C.No. 6536/50 A1 dt: 24.10.1950.

Ref: Ref.L. 2304/50-3 dated 15-6-50 from the Board of Revenue, Madras.

...

The applicant was conducting mining operations during the period of lease and he was paying royalties and dead rent to Government promptly. The actual extent worked out by the lessee during the period of lease was about 5 acres.

I submit below draft conditions as contemplated in Rule 40(2) of the Mineral concession Rules, 1949 for approval.

1. Royalty shall be charged at 5% of the sale value at the pits mouth; surface rent shall be charged at such rate as the land revenue and cesses assessable on the land are paid.

2. Dead rent shall be charged at Rs 8/- (eight) per acre.

-2-

26

BOARD'S REFERENCE

Submitted to the Government in continuation of the Board's reference cited.

for JOINT SECRETARY.

To
The Secretary to Government,
Development Department, Madras.

st: 10.11.

27

GOVERNMENT OF INDIA
MINISTRY OF WORKS, MINES AND POWER
.....

No. MII-156(15). Dated New Delhi, the 27th November 1950.

From

Shri M.M.Malhotra,
Under Secretary to the Government of India.

119949 (8)
Dev 28/11

The Secretary to the Government of Madras,
Development Department,
Fort St. George,
Madras.

Subject:- Renewal of mining lease for red oxide held by Shri V. Nimbkar.

Sir,

I am directed to refer to your letter No.98922/J/50-1 dated the 24th October 1950 on the above subject and to say that under section 12 of the Mines and Minerals (Regulation and Development) Act, 1948(LIII of 1948), the Central Government is pleased to authorise the State Government to renew the mining lease for red oxide of iron held by Shri V.Nimbkar over an area of 114 acres in S.No.326 of Janikunta village, Bellary Taluk, Bellary District for a period of 20 years.

Yours faithfully,

(M.Malhotra)
Under Secretary to the Government of India

D.A:- Nil.

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27/11

Dev J. 29

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Lr. No. 98922 J/50-3 Dated 30-11-50.

To

The Director,
Indian Bureau of Mines, New Delhi

Sub: Mineral Concession Rules - Rule 36 - Metalliferous minerals - Interpretation

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Ref: My letter No. 98922 J/50-2 dated 24×50

—

I am directed to request the favour of an early reply to my letter cited

Yours faithfully,

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Letter no. 98922 J/50. 4 dt 2-12-57 — 14/3/1 — Rec'd 3/1/51 — P. mine

To

The Director
Indian Bureau of Mines, New Delhi — 2/1 — DT. K 92 6.1.51

Sir,

Sub: Mineral Concessions Rule - Rule 36 - Metalliferous minerals - Interpretation

Ref: this Govt. letter no. 98922 J/50 - 28, 24 x 52 dt 24 abs. + reminder dated 30/11/50 — p 28 a.s.me

I am directed to enquire when a reply to this Govt. letter cited may be expected.

Yours faithfully,
30/12/50 — 30.12.50.

(51 Y. 44) — Rd. 25.1.51

REVENUE DEPARTMENT
SUBJECT

MINES: Mining lease (Bellary) Bellary taluk-S.No.236 - Janikunta Village- Renewal of lease- application of Sri V.Nimbkar.

Station: Madras Ref.L.2304/50-6 dated 9/1/51

From

Sri N.C.Thomas, B.A., Joint Secretary, Board of Revenue
Sri V.N.Kudva, I.C.S., Commissioner of Commercial Taxes

Read: From the Collector of Bellary Rc.No.6536/50 dated 28/12/50

- - -

REFERENCE:--

The Board invites the attention of the Government to its references cited and requests to be informed of the orders passed in the matter.

FIRST ASST. SECRETARY TO GOVERNMENT
12 JAN 1951
DEVELOPMENT DEPARTMENT

For Joint Secretary

The Secretary to Government, Development department para 1
Copy to the Collector of Bellary para 2 only

skr 9/1

46
18/1

DEW J.

Memo No. 98922-J/50-5 dated 17.1.51.

Subj: Mines - M.L. - Redoxide of iron (Bellary) - Bellary Taluk - Janikunte Village - Sno. 326 - Renewal of - Application of Sri Vishnu Nimbkar.

M. mine Q. 17/1

Ref. from the BD office ref no. L 2304/56 & 9157 dated

The BD office is informed that the matter is under the consideration of Govt & that orders will be issued as early as possible

16/1/57 16.1.51.

17.1.57

To

The BD office

18/1/57

Dev J.

Pl. inc. Dr. - 29/1/51

Letter no. 98922 J/50-6 dated 27.1-51.

27/1 28/29/1 To

The Director,
Indian Bureau of Mines. New Delhi

Subt: Mineral Concession Rules. Rule 36
Metalliferous minerals -
Interpretation of

Ref: This Govt's letter no. 98922 J/50-2
dated 24×50 & reminders
thereto of 30-1-50 & 2-1-51

I am directed to request that a reply to this Govt's letter cited may kindly be expedited

Yours
27/1/51 Yours faithfully

27/1/51 Ihm 27.1.51.

L 1-2-4-F
X p29CF
p30CF

Rem. 24.2.51

Dev. (J) Dept 35

Letter No. 98922-J/50-8 dated 29-3-51.

[with encl- copy of p24-Cf].

The Secy to the Govt. of India
Ministry of Natural Resources and
Scientific Research
New Delhi. (with Encl)

Mines - Mineral Concession Rules, 1949,
rule 36 - Metalliferous minerals -
Interpretation of:-

I am directed to enclose
p 27-Cf. copy of this Govt letter No. 98922-J/50-28/24/50
addressed to the Indian Bureau of Mines.
A reply from the Bureau has not so
far been received. I am therefore to
request that the Govt of India may be
pleased to advise on the point raised.

Yours faithfully,

RA. 25.4.51.

27.3.51.

27/3/51

36

Letter · 98922-I/50-9. dated 26-4-57. 27/4/57

To

The Secy. to the G.O.I.
Ministry of Natural Resources & Scientific Research
New Delhi

26/4

Sir.

Subt: Mines - MC Rules 1949 - Rule 36 -
Metalliferous minerals - Interpretation of

Ref: This Govt' letter no. 98922-I/50-8 of 27.3.57.

I am directed to request that a reply to the letter cited may kindly be expedited.

Yours faithfully,

25/4/57

Rd. 18.5.57

Dev J. 37

88/2815

Letter no. 98922 J/50-W dated 27-5-57.

M-circle 28/5-

TO

The Secretary to the Govt of India
Ministry of Natural Resources &
Scientific Research, New Delhi

Sub: Rules - M Cl Rules. 1949 - Rule 36.
Metalliferous minerals - Interpretation of

Ref: his Govt's letter no. 98922 J/50-8 dt 27-3-57
and reminder dt 26-4-57.

I am directed to request the favour of an early reply to the letter cited: ~~to the grant of a mining lease in being held over for want of~~.

Rd. 12-6-57

25/5/57 Kly 26.5.57.

Rd 22/5/57

Y. Hq.

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18/6/57 a.n.

159
18/6

Letter No. 98922 I/50-11 Dated 18.6.57

To

The Secretary to the Govt of India,
Ministry of Natural Resources &
Scientific Research,
New Delhi.

Sir,

Subject: Mines & Minerals (Regulation & Development) Act 1948 - Rule 36 - Metalliferous minerals - Interpretation of

Ref: This Govt's letter No. 98922 I/50-8 dated 25.3.57 & reminders dated 26.4.57 & 27.5.57.

I am directed to enquire when a reply to this Govt's letter cited may be expected.

Yours faithfully,

Deputy Secretary to the Govt of India

Received 12.7.57

Printed 18/6

p35 ante
p36 ante
p37 ante

1669 Rs 1769

Revenue Department.

Subject.

Mines - Mining lease (Bellary) - Bellary Taluk - Janikunta village - S.No. 326 Part - Renewal of the Leaaex by the Government - Permission to carry on mining operations - Ratification.

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Madras. Ref: L 2304/50-5 Dated 23/6/51.

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Sri N.C.Thomas, B.A., 71535 3/57
Joint Secretary.

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Sri V.N.Kudva, I.C.S.,
Commissioner of Commercial Taxes.

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Read: Bd's Ref: L 2304/50-4 d. 26/9/50
Bd.Ref: L.2304/50-5 d. 10/11/50.
From the Collector of Bellary Rc. No. 6536/50-A1 d. 21/6/51.

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REFERENCE:

Submitted to Government.

2. In its reference L 2304/50-4 d. 26/9/50 the Board has addressed the Government for ratifying the action of the Collector in having permitted the lessee, SriV. Nimbkar, to continue mining operations in anticipation of sanction for the ~~x~~ renewal of lease. The Collector is informed that their orders are awaited.

For Joint Secretary

To the Secretary to Government,
Development Dept.(Para 1 only and Para 2 for information)
" The Collector of Bellary.
tss/28-6.

Copy of the letter from the Collector of Bellary to the Secretary to the Board of Revenue, Madras.
Ref: Rc.No.6536/50 A1. d. 21/6/51.

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Sub: Mines - Mining lease (Bellary) - Bellary taluk - Janikunta village - S.No. 326 Part - Renewal of the lease by the Government - Permission to carry on mining operations - Ratification Requested.

Read: Ref: L 2304/50-3 d. 15/6/50 from the Board of Revenue, Madras.
This Office Rc.No.6536/50 A.1.d.19/8/50
N.Dis. L 3562/51 d. 13/4/51 from the Board of Revenue, Madras.

--

I invite attention of the Board to para 2 of this Office report quoted above and request that the Board may be pleased to ratify my action in having permitted the lessee to continue mining operations beyond 12/8/50, when the original lease granted to the lessee expired. In case this is not possible, I solicit immediate orders whether further mining operations over the area may be stopped forthwith pending renewal of lease by the Government.

(True Copy)

For Joint Secretary

73/1217

Dewt. 41

Memo no. 98922 J/50-2 dt 27.5.51.

Sub: Mines. M.L. Red Oxide of iron (Bellary)
Bellary T/k. Janikunta Vge.
Sno 326. Renewal of Applⁿ of
Sri V. Nimbkar

Ref: From the Addl Secy to Govt no. L.2304/50-5
dated 28.6.51

Pending issue of final orders on the application of Sri V. Nimbkar for a renewal of the mining lease held by him, the Board is requested to issue necessary instructions to the Coll. of Bellary to permit the lessee to continue the mining

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operations after obtaining an undertaking from him that he will abide by the conditions that may hereafter be imposed by Govt.

7.7.57 7.7.57

7/7/57

To

The Bt of Rev

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27/7

Letter no. 98922 J/50-13 dated 26.7.57.

To

The Secy to the Govt of India
Ministry of Natural Resources
& Scientific Research
New Delhi

Subj: Mins. MC Rules 1949 - Rule 36.
Metalliferous minerals - Interpretation of

Ref: This Govt's letter no. 98922-J/50-8 dated 27.3.54 and reminders and I am directed to

invite a reference to this Govt's letter no. 98922 J/50-8 dated 27.3.51 and to request that the reply of the Govt of India may kindly be expedited.

Yours faithfully,

44/ Letter No. 98522 J/50/14 dated 28-8-57.

TO

The Secy to the Govt of India
Ministry of Natural Resources &
Scientific Research, New Delhi

Sir,

Subj: Mins. M.C. Rules 1949 - Rule 36 -
Metalliferous minerals
Interpretation of

Ref. This Govt's letter No. 98522-J/50.8 dated 27.3.57. and fifth reminder of 26.7.57.

I am directed to enquire when a reply to this Govt's letter cited may be expected.

Yours faithfully,

Minis of 27/8

29/8

- p35 above
- p43 above

compd S.N. 28/11/57

Rd. 13.2.57

24-8-57

24-8-57

45

GOVERNMENT OF INDIA
MINISTRY OF NATURAL RESOURCES
AND SCIENTIFIC RESEARCH.

100065 (S)

No.M.II-152(68). Dated New Delhi, the 8th September 1951.

From

Shri M.M.Malhotra,
Under Secretary to the Government of India.

To

The Secretary to the Govt. of Madras,
Development Department,
Fort St. George, (Madras).

Subject:- Security Deposit prescribed in rule 36 of the Mineral Concession Rules.

Sir,

I am directed to invite attention to your letter No.98922 J/50-2, dated the 24th October, 1950, addressed to the Director, Indian Bureau of Mines, on the above subject (copy enclosed for ready reference). It is presumed that the question of the amount of security deposit in the case referred to in that letter has since been settled. This Ministry may kindly be informed as to whether a Security of Rs.1000/- or Rs.500/- was taken.

Yours faithfully,

(M.Malhotra)
Under Secretary to the Government of India.

D.A:- Referred to.

'Rawat'
8.9.

Copy of letter No.98922 J/50-2 dated 24.10.50 from Secy.to Govt.of Madras, Development Department, Fort. St.George, Madras, to the Director, Indian Bureau of Mines, New Delhi.

Subject: Mineral Concession Rules - Rule 36 - Metalliferous minerals - Interpretation.

I am directed to state that an application for a mining lease for red oxide of iron is now under consideration of this Government. The applicant has stated that the mineral would be used in the manufacture of oxide paints. Rule 36 of Mineral Concession Rules prescribes a security deposit of Rs.1,000/- in the case of metalliferous minerals. It is not clear whether this rate of security deposit will be applicable to all metal-yielding minerals irrespective of the use to which the minerals are put or irrespective of the fact that the extraction of the basic metals from such minerals is not commercially done. I am to request that the Bureau of Mines may kindly clarify the above point and also advise whether in the particular case referred to above, red oxide of iron may be treated as a metalliferous mineral for purposes of Rule 36.

Pl. issue
Rly 17.9.51.

[with encl — ~~my opp 35 cf~~].

Letter No. 98922-5/50-15 dt 12.9.51.

To

The Secy. to the Govt of India
Ministry of Natural Resources and Scientific Research
New Delhi

Sir,

Subj: Mines - M.C. Rules - Metalliferous minerals - Interpretation of Rule 36

Ref: Sri Malhotra's letter No. MII-152(68) dt 8.9.51.

I am directed to state that as a reply from the Indian Bureau of Mines was not received, the Govt of India were addressed on the point, in this Govt. letter No. 98922-5/50-8 dt 27-3-51 (Copy enclosed for ready reference). Pending their reply, the amount of security deposit to be demanded in the particular case under reference, has not ~~spot~~ been settled

[P. 20

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and
~~as~~ formal orders granting the lease have not
also been issued. The applicant has however
been permitted to conduct mining operations.

15/9/57.

12/9/57

compd
Ale
18/9

(d 17.10.57)

Government of India
Ministry of Natural Resources & Scientific Research.

113068

No.M.II-152(68) Dated New Delhi, 16/17 the October 1951.

From

Shri M.M.Malhotra,
Under Secretary to the Government of India.

To

The Secretary, to the Government of Madras,
Development Department,
Fort St. George, (Madras).

Subject:- Security Deposit prescribed in rule 36 of the Mineral Concession Rules.

Sir,

I am directed to refer to your letter No. 98.32 J/50-15, dated the 17th September, 1951, on the above subject and to say that rule 36 of the Mineral Concession Rules clearly lays down that a security deposit of Rs. 1,000/- (Rupees one thousand) is payable in case of all metalliferous minerals i.e. those which contain metals. If, however, the red oxide of iron is not likely to be used for the extraction of metal, the security deposit for mining red oxide of iron may be collected as if it were a non-metalliferous mineral.

Yours faithfully,

M.M. Malhotra

(M. Malhotra)
Under Secretary to the Government of India.

81/8/11

53

Development (J) Department.

Mines - Mining lease - Red oxide of iron (Bellary dt) Bellary, taluk - Tanikunta village - S.No. 326 - 114 acres - ~~grant of~~ renewal - application of Sri V. Nimbkar - Sanctioned.

Read:

From the Board of Revenue Ref: No. L.2304/50-43, 27/10

G.O. MS. NO. 4936 DATED 6:11:57

With the prior approval of the Govt of India, the Government sanction the ~~grant to~~ renewal for a period of twenty years, of the mining lease for red oxide of iron held by V. Nimbkar, ~~for a period of years~~ over an extent of 114 acres in S.No. 326 of Tanikunta village, Bellary taluk, Bellary district subject to the conditions mentioned in sub-rule (1) of rule 41 of the Mineral Concession Rules, 1949, and also to the following conditions:

(i) the lessee shall pay rents and royalties in any Government Treasury, before the 10th January of every year.

(ii) The lessee shall pay before the expiry of the lease, or its sooner determination by either party, an amount equal to the annual dead rent or such higher amount as may be fixed by the Collector of the District in his discretion, as compensation for damage to the land covered by the lease.

(iii) the lessee shall not fell trees if any without the previous permission of the Collector and if it is found that he has felled any trees without such permission he shall pay the .....

pay the value of the trees together with a compounding fee subject to a maximum of 10 times the value of the said trees;

(iv) the lessee shall not operate on the surface of any area prohibited by any authority by laying out roads, erecting buildings, machinery, etc. without the previous permission of such authority or the State Government;

(v) the lessee shall not use land for surface occupation without giving proper notice to the Collector;

(vi) the lessee shall provide and shall keep at all times at or near the pit head full equipment of weighing machines of modern type to the satisfaction of the collector for weighing the minerals collected by him;

(vii) The lessee will exercise the liberties and powers hereby granted in such a manner as to offer no un-necessary or reasonably avoidable obstruction or interruption to the development and working of any minerals not included in this lease and will at all times afford to the Governor and to the holder of prospecting licences or mining leases in respect of any such minerals or any minerals within any lands adjacent to the said lands reasonable means of access and safe and convenient passage upon and across the said lands to such minerals for the purpose of getting, working developing and carrying away the same;

(viii) the lessee shall take such precautions as are necessary to secure pits and shafts by putting up wire fencing or such other protection to the satisfaction of the Collector to prevent accidents;

p.t.o.

(ix) that on the occurrence of any accident, the lessee shall report, such accident immediately to the nearest police station/the nearest ~~xxx~~ Factory Inspector and the Labour Commissioner,

(x) the lessee shall execute an indemnity bond to Government against the claims of third parties,

(xi) the lessee will at the expiration or sooner determination of the said term deliver upto the Governer all mines, pits shafts, including drifts, levels, waterways, airways and other work (now existing) hereafter to be sunk or made under the said lands (except such as may have been abandoned with the sanction of the Governor or in any ordinary and fair course of working) and all (engines, machinery plant, buildings, structures and other works and conveniences ~~xxxx~~/which at the commencement of the said term were upon or under the said lands and all) engines, machinery, plant and fixtures set up by the lessee below ground level which cannot be removed without causing injury to any mines or works under the said lands (except such of the same as may with the sanction of the Governor have become ~~xxxxxxxx~~disused) and all buildings and structures of brick or stone erected by the lessee above ground level in good repair order and condition and fit in all respects for further working of the said minerals,

(xii) ~~xxx~~/If after the determination of the lease there shall remain in or upon the said lands any engines machinery, plant buildings structures tramways, railways and other works erections and conveniences or minerals or mineral ores or other property which the lessee is entitled to remove from the said lands the ~~xxxx~~/same shall, if not removed by the lessee within one ~~xxxx~~ calender month after notice in writing requiring/their removal is given to the lessee by the Collector be deemed to become the property of the

Government of Madras and may be sold and disposed of for the benefit of the Government of Madras in such manner as they shall deem fit without liability to pay any compensation or to account to the ~~xxxx~~ lessee in respect thereof;

(xiii) In the event of the existence of a ~~state~~ state of war or of grave national emergency (of which the President of India shall be the sole judge and a notification to this effect in the Gazette of India shall be the conclusive proof) the Government OR after notice in writing to the lessee under the hand of any Secretary to Government of his intention so to do may forthwith take possession or assume control of the works, plant and machinery and premises of the lessee at or in connection with the said mines and may pre~~xx~~empt at prices fixed by the Governor all the minerals (and all products thereof) extracted from or lying upon the said mines during such possession or control and the lessee shall conform and obey all directions given by or on behalf of the Governor regarding the use or employment of such works, plants, premises provided that a fair compensation which shall be determined by the Governor and shall be paid to the lessee for all loss or damage sustained by reasons or in consequence of the ~~xxxx~~ exercise of the powers conferred by this clause; provided also that the exercise of such powers shall not determine the ~~xxxx~~ said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause;

(xiv) (a) the licensee shall not enter upon or commence prospecting in any reserve forestsituate upon the said lands without ~~xxxx~~ thirty days previous notice in writing to the District Forest Officer nor without .....

nor without obtaining the written sanction of that officer nor otherwise than in accordance with such condition as that officer may in his absolute discretion prescribe.

(b) the area without the reserved forest limits must be demarcated by a declared fire line of not 40 ft. wide which will be cut and kept cleared by the Forest Department at the expense of the ~~lessee~~ lessee.

(c) the ~~lessee~~ lessee must ~~at~~ at all times permit the Forest Department to enter upon the land for the purpose of maintaining or repairing existing boundary lines within the area and must pay the cost of such maintenance or repair as determined by the District Forest Officer.

(d) the ~~lessee~~ lessee must take suitable precautions to prevent fires from spreading into the adjoining reserve forest from the land and if such fires accidentally occur he must render all possible assistance in putting them out.

(e) the ~~lessees~~ lessees shall not cut any trees or growth on the area granted in excess of 20 per cent of the number of trees on the whole area under the ~~lease~~ lease without the previous permission of the D.F.O. and the value of such treets etc. shall be paid for ~~the~~ by the ~~lessee~~ lessee at rates to be fixed by the District Forest Officers. He must not deface or interfere with any boundary stone or marks; if any boundary mark is accidentally [illegible], he must bring ~~to~~ the matter immediately to the notice of the Range Officer.

(XIV) ~~(xv)~~ The lessee should keep the stocks of beryl or any other prescribed substance under section 3 of the Atomic Energy Act, No.XXIX of 1948, if they occur in the property covered by the lease with a view to making them available to the Government of India.

2. The rates of ~~xxx~~ royalty, dead rent and surface .....

surface rent shall be as follows:

ROYALTY: 5 per cent of the sale value at the pit's mouth.

DEAD RENT: Rs.10/- (Rupees ten only) per acre per annum.

SURFACE RENT: At such rate as the land revenue and cesses assessable on the land are paid.

3. The applicant should pay a deposit of Rs.500/- as prescribed in rule 36 of the Mineral Concession Rules, 1949, before the lease is actually executed.

4. The form of the lease deed is ~~being drafted~~ under print separately and the terms and conditions stated in the above paragraphs are subject to such further modifications, additions and alterations as may be included in the lease deed when finalised.

5. Pending the execution of the lease deed in the proper form, the Government have no objection to the lessee starting mining operations after giving an undertaking

(1) to abide by the above conditions and also the conditions governing the lease which will be hereafter prescribed by the Government and

(2) to give possession of the land to Government if so required by them at any time before the execution of the lease deed without liability to pay any compensation to him for any expenditure ~~incurred~~ incurred by him and

(3) after paying an additional security deposit of Rs. 500 for the due fulfilment of these conditions.

6. ~~The Collector of~~ with reference to his letter No. L. 6506/50-A.(2)24 60/50 ~~is requested to~~ the Collector of Bellary is informed that ~~take~~ ..... dead rent should be calculated at Rs 10/- per acre per annum, with effect from the date from which the renewal takes effect i.e. from the date of expiry of the prior lease.

This land is subject to the condition that the mineral extracted i.e., bed stone if it is not used for extracting metal

59

6. The Collector is requested to take necessary further action.

Dft 12.11.51.

Dft 3/HIST 1/12/51

To the Board of Revenue. (with records Nos 5 - 20 of in ord & flags (5) & (11)
To the Collector of Bellary -
To Sri V. Nimbkar
Hamilton House, Ballard Estate,
Spare copies 3. Bombay 1.

Compd SR 14/11

C. .entry ~~xxx~~ against for executing the lease deed and the indemnity bond.

Devt. Dept.

C.No. 98922 F/50

Mines- Mining lease- Red Oxide of iron- (Bellary)- Bellary Taluk- Janikunta village- S.No. 326- Renewal of- Nimbkar Sri V.

From the Bd. of Rev., L.2304/50-4, dated 27-6-50.

To A.S.

Sri Vishnu Nimbkar of Bombay was granted in 1945 a mining lease for red oxide of ~~war~~ iron for a period of 5 years in S.No. 326 in Janikunta village, Bellary Taluk, Bellary Dt. The period of the lease expired by 12-8-1950. On 1-4-1950 the lessee has applied for the renewal of the lease for a period of 20 years. Along with his application he has paid Rs. 200/- as application fee and Rs. 500/- as deposit for preliminary expenses. These fee and deposit amount are not provided for in the Mineral Concession Rules for the renewal of a lease and may therefore be ordered to be refunded.

2. If it is decided to grant the renewal of the lease the lease should include the conditions in rule 41(1) of the Mineral Concession Rules 1949 and also the condition relating to the preservation of beryl.

3. The lease should also contain such other conditions as the provincial Govt. may deem necessary in regard to the matters referred to in sub-rule (2) of rule 41. With ref. to this sub-rule the Collector has furnished draft conditions as at pp 1-2 c.f. They may be accepted as drafted by this Dept. in consultation with the Legal Dept. and put up at (S)

4. The rates of rents and royalties shall be as follows:

Royalty: This need not be specified as this is specified in clause (i) of sub-rule (1) of rule 41.

Dead rent: ~~As the mineral is required for the manufacture of articles~~ the dead rent may be fixed at Rs. 10/- p.a.

Surface rent: This will be fixed at such rate as the land revenue and cesses assessable on the land are paid.

5. According to rule 36 the applicant shall before the lease is issued deposit as security a sum of Rs. 1000/- in case of metalliferous minerals and Rs. 500/- in case of other

minerals for due observance of the terms and conditions of the lease. It is not clear whether red oxide of iron is a metalliferous mineral. The Bureau of Mines may perhaps be enquired whether it is a metalliferous mineral.

6. According to rule 40 read with rule 57 of the Mineral Concession Rules 1949 the applicant is entitled to the renewal of the lease for a period of five years. For the reasons stated in paras 3 to 7 at pp 5-7 c.f. the applicant has asked for the renewal of the lease for a period of 20 years. The Bd. has recommended that the lease may be renewed for 5 or 20 years as the Govt. may deem fit. It would seem that the Govt. of India will have to be addressed for relaxing the rule if it is proposed to renew the lease for a period of 20 years. For ~~rules~~ orders whether the lease may be renewed only for a period of 5 years from 12-8-50 or the Govt. of India will be addressed for relaxing the rule for renewing the lease for a period of 20 years.

7. For the reasons stated at 'A' on p. 2 c.f. the Collector of Bellary has permitted the lessee to continue mining operations pending the grant of the renewal of the lease. The Bd. has recommended that the Collector's action may be approved. It is submitted that it will take some time to settle the terms of the lease deed. If it is decided to renew the lease, pending execution of the lease deed the lessee may be asked to give an undertaking with a security deposit of Rs.1000/- or Rs. 500 according as the mineral is metalliferous or not to the effect that he would abide by the conditions of the lease deed.

10/10/50.

13/10/50

The lease may be renewed and India may be addressed to extend the period to 20 years.

Received from [illegible] on 14.X.50

95922

As I.

With reference to orders in circulation at 'B' on p 2 above, a draft letter to the Govt. of India is submitted for approval.

With reference to 'A' on p 2 above, a draft letter to the Indian Bureau of Mines is submitted for approval. Orders with reference to 'C' above may issue on receipt of Bureau's reply for orders.

Ram 19.10.50

Dy 22.10.50

Dy 24.10.50

3. Issued as Letter No. 95922 J/50-1, dt. 26-10-50 J.

p-2 4 c-f 'C' Letter No. 98922 J/50-2, dt. 24-10-50 J.

5 c-f 'A' From the Bd. of Rev. X 2304/50 5, dt 10-11-50 J.

p 1 To A.S.

The Bd.'s reference at pp. 25-26 may be perused. The replies to the letters at pp. 23 and 24 c-f may be awaited till 26.11.50.

17.11.50 Ram 19.11.50.

Dy 19.11.50

p27 cf From the Govt of India No. M II 156(15) dt 27-11-50

As

Please see the letter on p 23 cf. and the Govt of India's reply on p 27 cf. They have agreed to the renewal of the lease held by Sri V. Nimbkar for a period of 20 years. The reply of the Dir. Indian Bureau of Mines has not yet been received to the letter on p 24 cf. He may be reminded. Subject to orders a draft letter is subtd.

29.11.50 Ram 29.11.50.

Dy 30.11.50

A

98922

A S I.

With reference to 'A' cup 2, above, the Indian Bureau of Mines was in this Dept. letter ~~No.~~ No. 98922-J/50.2 dt 24.10.50, addressed for elucidation on the point whether for purposes of rule 36 of the M.C. Rules, red oxide of iron should be treated as a metalliferous mineral. A reply has not yet been received from the Bureau. Perhaps the Govt. of India may be addressed for clarifying the point. Subject to orders a draft letter is submitted for approval.

p24 cf

X not found cf

27.3.57.

Rs
27/3/57

(Inward letter no. 98922 J/50.8 dated 27.3.57) p35 cf
from the Bd of Rev. ufno. L.2304/50-5 dt 28.6.57 p37 ante

A S I

Please see the Board's reference on p37 cf. It has been ordered in circulation that the lease held by Sri V Nimbkar for red oxide of iron may be renewed for a period of 20 yrs from 12.8.56. and the Govt of India have agreed to it.

B on p2 above

p27 cf

The question of ratifying the action of the Collector in permitting the lessee to continue operations was proposed to be taken up after the receipt of the Bureau's reply to the letter on p24 cf is received. As the Bureau did not send any reply the Govt of India have been addressed in the matter and their reply is awaited.

K on p3 above

p35 cf

In view of the fact that the State Govt and the Govt of India have agreed to renew the lease for a period of twenty years, it is for orders whether the Board may be asked to instruct the Collector to permit the lessee to commence operations pending issue of final orders.

H on p2 above
p27 cf

7.7.57

→ R to

17/10/7

98922 J/50

Subject to orders, a draft memo is submitted below for approval.

Rn 7.7.51

7.7.51

SECRETARY TO GOVERNMENT 11 JUL 1951 DEVELOPMENT DEPARTMENT

pp 41-42 Cf (Issued as Memo No. 98922 J/50 12 & 12.7.51)

DEPUTY SECRETARY TO GOVT. 1 1951 DEVELOPMENT DEPARTMENT

pp 45-47 Cf From Bombay & MRAS RLM IT 154/68 dt 8.9.51

pp 49-50 Cf issued as Lr 98922-J/50 dt 17.9.51

p 51 Cf From the Govt of India Bombay GMRAS 12 M.(152/63 dt 13.9.51

As:

Please see the letter (comp 51 Cf) from the Govt. of India in reply thereto letter on pp 49-50 Cf. The Govt of India have stated that if the recoverable of iron is not likely to be used for the extraction of the metal-ore-iron the security deposit may be Rs 500/-. In this case the applicant proposes to utilise the mineral for an manufacture of oxide paints. The amount of security deposit to be collected in this case will therefore be Rs 500/-.

I have added the necessary condition in this respect in para 3 of the draft

As already observed in circulation under 2 and 5 above, the lease held by Sri V. Srimbkar, may be renewed for a further term of 20 years. A draft order is accordingly submitted for approval.

2.11.51

3/11/51

As.

(Orders on 5 above)

Necessary entries have been made in the mining concession Rgr. The draft order may now issue.

24.5, 7.11.57.

7(1)1

Item 178 gML Rgr